

### REMARKS/ARGUMENTS

The Office Action of 12/29/04 has been carefully considered by Applicant and his Attorney. Reconsideration of the Application, as amended, is respectfully requested.

In the Office Action the Examiner objected to the drawings noting that the jack receptacle and the jack device being magnetically held in position is not shown. Accordingly, new **Figure 3a** has been added to show the jack structure having magnetic qualities allowing the jack device 29 with connector loop 23 and rip cord 24 to be magnetically held in position. Further, in **Figure 1** a line has been drawn to connect element 24 to the device. In **Figure 2**, elements 23 and 24 have been switched in order to correctly identify the drawing and element 22 has been added to show the jack terminal and further clarify the drawing. In **Figure 3**, element 22 has been deleted. The Specification has been amended accordingly to reflect the addition of **Figure 3a**.

In the Specification, the Examiner noted that the "soft plastic pendant" referred to on page 8 was incorrectly identified as reference number 23. Accordingly, the reference number has been changed from 23 to 43 to correctly identify the element. The Examiner is thanked for his observation.

The Examiner rejected **Claims 4 and 11** under 35 U.S.C. 112, second paragraph as being indefinite. Accordingly the term 'generally' has been deleted from **Claims 4 and 11**.

The Examiner rejected **Claims 1, 2 and 10** under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,512,881 to Majmudar in view of U.S. Patent No. 6,310,553 to Dance, **Claims 3 and 8** were rejected as being obvious over Majmudar in view of Dance and further in view of U.S. Patent No. 5,903,219 to Chen. **Claims 4-6, 11-12, 14, 16 and 18** were rejected under 35 U.S.C. 103(a) as being unpatentable over Majmudar in view of Dance and further in view of U.S. Patent No. 6,415,158 to King et al.; **Claim 7** was rejected under 35 U.S.C. 103(a) as being obvious over Majmudar in view of Dance and further in view of U.S. Patent No. 4,593,273 to Narcisse; **Claim 9** was rejected under 35 U.S.C. 103(a) as being obvious over Majmudar in view of Dance and further in view of International Application Publication No. WO03/084004 to An and **Claims 13 and 19** were rejected under 35 U.S.C. 103(a) as being obvious over Majmudar in view of Dance and further in view of King and further in view of Chen.

In summary, Applicant's invention relates to an emergency alert system which comprises at least two two-way radio apparatus wherein one radio apparatus sends a radio wave signal to

the other apparatus when activated by the removal of a toggle member or a mercury switch. A trained service dog may activate the signal by pulling the toggle member from the transmitting radio apparatus. The signal is then sent to the second receiving radio apparatus which alerts its user and then the two users may communicate via the two-way radios.

The primary reference of **Majmudar** discloses a personal alarm apparatus which a person may carry for effecting an alarm in case of personal attack or other danger. The alarm generates a repetitive sound wave when activated, which sound waves are a wave pattern “having frequencies within the normal range of hearing of the human ear” (column 3, lines 20-27) and are “irritating to the human ear” (column 6, lines 59-60). *See also detailed discussion of Figure 5, columns 6-7.* The function of this personal alarm apparatus which emits an irritating sound from the transmitting device is not utilized in Applicant’s alert system, particularly as the claims are now amended.

The secondary reference of **Chen** discloses a personal security device having a box and a control plug which triggers a siren to produce an audio alarm signal when removed from the box. As shown in **Figures 8 and 11**, the device is for security purposes such as in window or attachment to a purse, and emits a loud alarm when activated.

In contrast, Applicant’s invention sends a radio wave signal from a first transmitting radio to a second receiving radio which is not audible to the human or dog ear, so as not to startle or offend the dog or human ear. The second receiving radio, which is not in close proximity to the distressed person and the transmitting radio, produces a radio alert tone, not irritating to the human ear, to notify its user that someone is in distress. The users may then communicate using the two radios. For example, page 8, lines 19-21, of Applicant’s Specification states, “once activated the transmitting unit sends an alert tone to the second (receiving) unit and leaves an open microphone. Once ‘alerted’ the second individual will check on the status of the individual holding the first unit...” Thus, in contrast with the inventions of **Majmudar and Chen**, Applicant’s invention does not activate a siren alert or a loud sound which is irritating to the human or dog ear from the transmitting unit (first radio) when activated by the pulling and removal of the toggle member by a trained service dog. Further, the utilization of a loud personal alarm teaches away from the utilization of a pair of radio apparatus where a trained service dog is utilized to activate a non-irritating signal from a transmitting radio apparatus, where the toggle device is positioned, to alert a remote receiving radio apparatus.

The secondary reference of **Dance** discloses a positioning means for use in search and rescue operations which is a global positioning system activated by a dog. As shown in the drawings, the global positioning system is worn by a dog 4 and may record or transmit positioning data once activated by dog 4 either pulling tag 5 or barking. The reference of **King et al.** teaches a dual mode mobile phone operating as a two-way radio when within radio frequency range which does not teach the use of activation means by pulling on a plug-device.

In view of this cited prior art, **Independent Claims 1, 11 and 19**, have been amended to clarify Applicant's invention and to overcome the cited art. Specifically, independent **Claim 1** has been amended to include a speaker, a microphone and jack receptacle located in the side of the body of said first radio apparatus. Further, the toggle device includes a loop member connected to the jack device, a flexible rope attached to the loop and a pendant attached to the rope, so that a trained service dog can grasp the toggle device between its teeth. Also, the signal sent from the first transmitting radio to the second receiving radio is a radio wave signal and causes the first radio to have an open microphone for communication. Thus, **Claim 1**, as amended, is deemed not obvious in view of the cited prior art and is now deemed allowable.

Independent **Claim 11** has been amended to claim that the emergency alert system comprises first and second radio apparatus, wherein the first radio apparatus has an activating means that is a horizontal switch structure which is activated when the apparatus is turned on its side and when activated sends a radio wave signal to the second apparatus after a predetermined time period. This activation structure, in combination with the two-way radio system is not taught nor suggested by the prior art of record. After the signal is sent to the second radio apparatus, an open microphone is provided on the first radio apparatus. Applicant's invention, as now claimed in amended **Claim 11**, is now deemed allowable.

Independent **Claim 19** has been amended to claim that the emergency alert system of Applicants invention comprises first and second radio apparatus, wherein said first radio apparatus has a removable jack having toggle activation means, having a toggle device as described above with respect to **Claim 1**. The first radio apparatus further has a horizontal switch activating means, as described in the previous paragraph with respect to **Claim 11**. The dual activation means is not taught or suggested by the prior art of record. Applicant's invention, as now claimed in amended **Claim 19**, is now also deemed allowable.

Applicant submits that independent **Claims 1, 11 and 19**, as amended, are patentable over the art of record and they are believed to be clearly supported by the Specification, particularly when taken with the drawings. The remaining **Claims 2-10, 12-18 and 20** are dependent on either Independent **Claims 1, 11 or 19** and are deemed allowable with their respective parent claims.

Applicant believes his case is now in a condition for allowance, and reconsideration and favorable action are respectfully requested. If the Examiner feels that telephone contact with Applicant's Attorney would advance the prosecution of this case to finality, he is invited to call at the number below.

**Respectfully submitted,**

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**Amendments to the Drawings:**

The attached sheet of drawings includes changes to **Figures 1-3** and **Figure 3a** has been added. This sheet, which includes **Figures 1-3a**, replaces the original sheet including **Figures 1-3**. In **Figure 1**, a line has been added from element 24 to the device and in **Figure 2** element 24 has been changed to element 23 and element 23 has been changed to element 24. In **Figure 3**, element 22 has been deleted. New **Figure 3a** has been added to show the jack body having a magnetic structure indicated by element 29.

Attachment: Replacement Sheet

Annotated Marked-Up Drawings Showing Changes

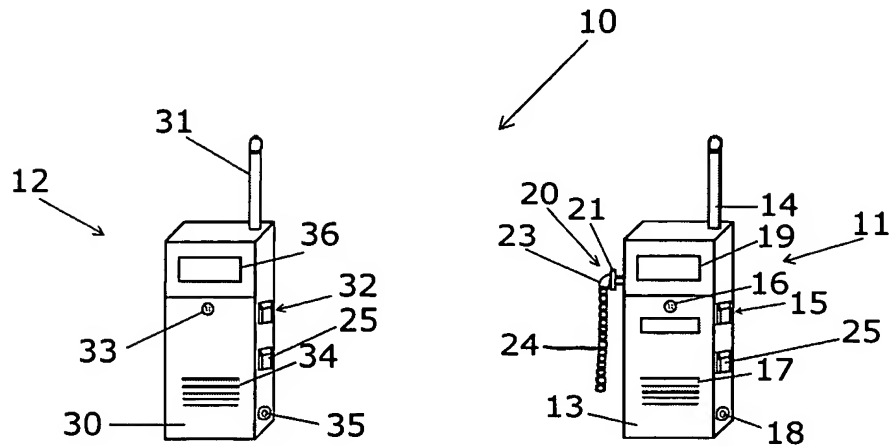


FIG 1

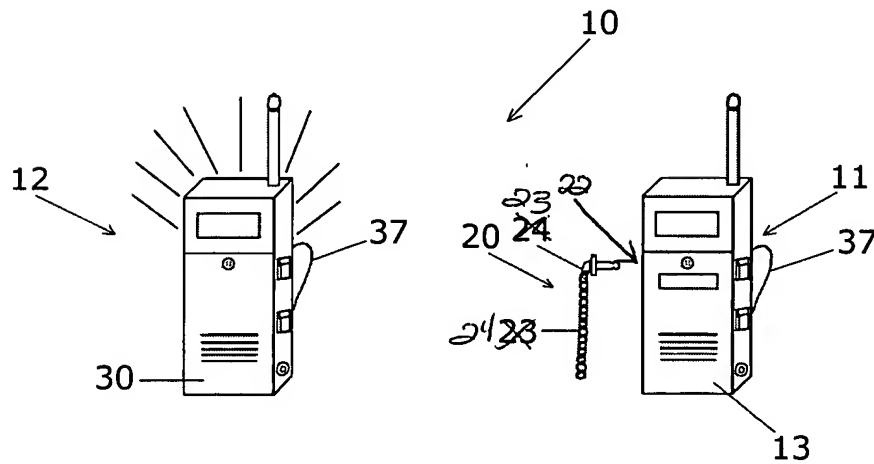


FIG 2

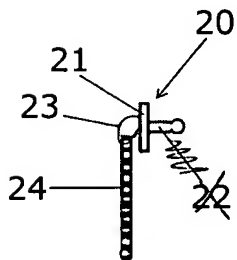


FIG 3

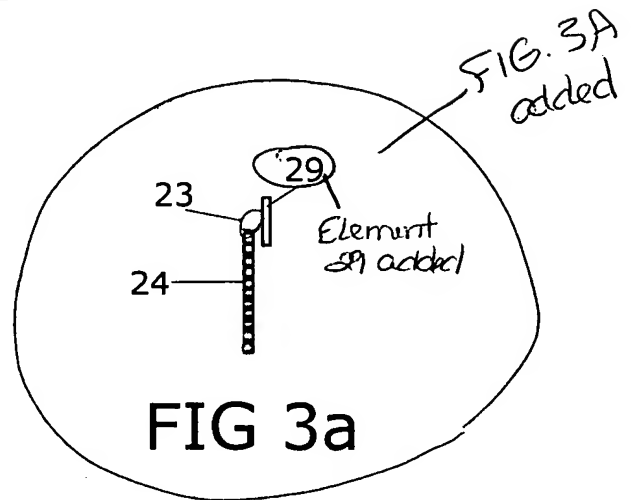


FIG 3a